

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

ATTESTWAVE, LLC

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES  
CORPORATION,

Defendant.

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CASE NO. 4:23-cv-00315

JURY TRIAL DEMANDED

**[PROPOSED] SCHEDULING ORDER**

<b>08/04/2023</b>	P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions (and P.R. 3-2 document production) to be served.
<b>09/22/2023</b>	Join additional parties.  P.R. 3-3 Invalidity Contentions (and P.R. 3-4 document production) to be served. To the extent not already required to be disclosed, exchange Mandatory Disclosures on all issues, including damages.
<b>10/06/2023</b>	Parties to exchange proposed terms for construction and identify any claim element governed by 35 U.S.C. § 112, ¶ 6 (P.R. 4-1).
<b>10/13/2023</b>	Privilege logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
<b>10/20/2023</b>	Parties to exchange preliminary proposed claim construction and extrinsic evidence supporting same. (P.R. 4-2).
<b>10/20/2023</b>	Parties' Final Amended Pleadings. (A motion for leave is required.)
<b>11/03/2023</b>	Joint Claim Construction and Prehearing Statement to be filed. (P.R. 4-3). Provide an estimate of how many pages are needed to brief the disputed claims.
<b>11/10/2023</b>	Respond to Amended Pleadings.

<b>11/20/2023</b>	Completion date for discovery on claim construction. (P.R. 4-4).
<b>12/01/2023</b>	Opening claim construction brief. (P.R. 4-5(a)).
<b>12/15/2023</b>	Responsive claim construction brief. (P.R. 4-5(b)).
<b>12/22/2023</b>	Reply claim construction brief. (P.R. 4-5(c)).
<b>12/08/2023</b>	Submit technology synopsis/tutorial (both hard copy and disk).
<b>12/26/2023</b>	Parties to file joint claim construction and chart. (P.R. 4-5(d)). Parties shall work together to agree on as many claim terms as possible.
<b>01/05/2024</b>	Proposed Claim Construction hearing <b>Friday, January 5, 2024, at 10:00 a.m.</b> at the United States Courthouse, 7940 Preston Road, Plano, TX 75024.
<b>02/09/2024</b>	Deadline for Initial Mandatory Disclosure of all persons, documents, data compilations and tangible things, which are relevant to a claim or defense of any party and which has not previously been disclosed. This deadline is not an extension of earlier deadlines set out in this Court's order or the Patent Rules, nor an excuse to delay disclosure of information. It is a "catchall" deadline for provision of all remaining information which may be relevant to a claim or defense of any party at trial.
<b>02/16/2024</b>	Parties shall notify the Court of the name, address, and telephone number of the agreed-upon mediator, or request that the Court select a mediator, if they are unable to agree on one.
<b>03/01/2024</b>	Fact discovery deadline. All fact discovery must be served in time to be completed by this deadline.
<b>03/08/2024</b>	Parties with burden of proof to designate Expert Witnesses other than claims construction experts and provide their expert witness reports, to include for ALL experts all information set out in Rule 26(a)(2)(B).  Comply with P.R. 3-7 (Designation of Willfulness Opinions).
<b>03/22/2024</b>	Parties to Designate Expert Witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness report, to include for ALL experts all information set out in Rule 26(2)(B).

	<b>Note: Objections to any expert, including <i>Daubert</i> motions, shall be filed within 3 weeks after the expert's Report has been disclosed. Such objections and motions are limited to ten pages each.</b>
<b>03/29/2024</b>	Mediation deadline.
<b>04/12/2024</b>	Expert Witness discovery deadline. All Expert Witness discovery must be served in time to be completed by this deadline.
<b>04/26/2024</b>	<p>File Dispositive Motions and any other motions that may require a hearing. Regardless of how many dispositive motions a party files, each party is limited to a total of sixty pages for such motions. Each individual motion shall comply with Local Rule CV-7.</p> <p><b>Responses to motions shall be due in accordance with Local Rule CV-7(e).</b></p>
<b>07/19/2024</b>	Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order, <i>see</i> <a href="http://www.txed.uscourts.gov">www.txed.uscourts.gov</a> , and Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in nonjury cases).
<b>07/25/2024</b>	<p>Motions in limine due.</p> <p>File Joint Final Pretrial Order. Exchange Exhibits and deliver copies to the Court. At this date, all that is required to be submitted to the Court is a hyperlinked exhibit list on disk (2 copies) and no hard copies.</p>
<b>07/26/2024</b>	Video Deposition Designation due. Each party who proposes to offer a deposition by video shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross examination line and page numbers to be included. Counsel must consult on any objections and only those which cannot be resolved shall be presented to the Court. The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties' designations and the Court's rulings on objections.
<b>08/09/2024</b>	Response to motions in limine due.

	<p>File objections to witnesses, deposition extracts, and exhibits, listed in pre-trial order. (This does not extend the deadline to object to expert witnesses.) If numerous objections are filed, the Court may set a hearing prior to docket call.</p> <p>File Proposed Jury Instructions/Form of Verdict (or Proposed Findings of Fact and Conclusions of Law).</p> <p>File Proposed Voir Dire Questions.</p>
<b>08/23/2024</b>	Final Pretrial Conference at 1:30 p.m. at the United States Courthouse located at 7940 Preston Road, Plano, TX 75024.
<b>To be determined</b>	10:00 a.m. Jury Selection and Trial at the United States Courthouse located at 7940 Preston Road, Plano, TX 75024.